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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,924	09/12/2003	Paul P. Latta	LATTA.002A	7335
20995	7590	05/01/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				BELYAVSKYI, MICHAIL A
ART UNIT		PAPER NUMBER		
		1644		

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/660,924

EXAMINER

Belevavskyi

ART UNIT	PAPER
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1644 42606

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Reply Brief filed 03/30/06 has been entered and considered but no further response by the Examiner is deemed necessary.

The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michail Belyavskyi whose telephone number is 571/ 272-0840. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:30 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571/ 272-0841.

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michail Belyavskyi, Ph.D.
Patent Examiner
Technology Center 1600
April 26, 2006

Christina Chan
CHRISTINA CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Docket No. : LATTA.002C3
Application No. : 10/660,924
O I P Filing Date : September 12, 2003

Customer No.: 20,995



REPLY BRIEF

Applicant : Paul P. Latta
App. No : 10/660,924
Filed : September 12, 2003
For : PREVENTION OF DIABETES
THROUGH INDUCTION OF
IMMUNOLOGICAL TOLERANCE
Examiner : Belyavskyi, Michail
Art Unit : 1644

Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

noticed
4/26/06
MB

In response to the Examiner's answer mailed January 27, 2006, Applicant submits this
Reply Brief.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. The Examiner has rejected Claims 2-9 under 35 U.S.C. §112, first paragraph for lack of enablement. In particular, the Examiner has maintained that the Specification and the Declarations by Dr. Scharp showing efficacy of the claimed method in preventing type I diabetes in a mouse model of diabetes (non-obese diabetic, NOD mice) are not predictive of the outcome of using the claimed method for the prevention of Type I diabetes in human.
2. The Examiner has also rejected Claims 2-9 under 35 U.S.C. §112, first paragraph as having New Matter.

ARGUMENT

1. The Examiner has maintained rejections of Claims 2-9 under 35 USC §112, first paragraph, as being non-enabling for a method of preventing onset of Type I diabetes in a